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Atari Online News, Etc.
A-ONE Online Magazine
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Rob Mahlert -- Web site
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With Contributions by:

Michael Olin

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A-ONE #0550   12/12/03

~ Pop-Up Ad Policy Fight ~ People Are Talking!   ~ Killographic Games!

~ Internet Summit Begins ~ Win98 Support To End! ~ Atari Caramel Corn!
~ Web Service Prices Cut ~ Two Spammers Settle!   ~ Web Sales Tax Fight
~ Yahoo Plus To Launch! ~ Microsoft's Hit List! ~ Kazaa Blocks Copycat

                 -* Put Up or Shut Up, SCO Told! *-
                -* Congress OKs National AntiSpam Bill *-
               -* UN Tables Debate Over Who Controls Internet *-

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->From the Editor's Keyboard   "Saying it like it is!"
  """"""""""""""""""""""""""""

Well, we survived a full weekend of non-stop snow in New England. The
official snowfall total for my immediate area was 19-inches of the white
stuff. We cleaned up 4-5 times before everything was all said and done.
We were luckier than many of the neighboring towns, who got anywhere from
2-3 feet of snow! The temperatures rose somewhat during the week, and on
Thursday, it rained quite hard. The first snowfall is dwindling somewhat,
leaving more kinds of a mess. Welcome to New England!

It's hard to believe, but this year is rapidly coming to a close. I [still]
can't believe time is passing by so quickly! I'm also amazed that we're
about to complete our fifth year of publishing A-ONE! It doesn't seem all
that long ago that Joe and I were still writing for STReport; and ultimately
decided to go out on our own with A-ONE. I still remember the numerous
conversations trying to come up with the mag's name! We realize that we
haven't accomplished a lot of the goals that we started with when we first
considered doing A-ONE. We had our sights on numerous things, but just
never got them off of the ground. It would have been nice, but it wasn't
due to the lack of interest, but the immense lack of time. But, I am
satisfied that what we do publish every single week is good. Sure, there's
not the plethora of Atari-related stories that we'd all like to see every
week. Nor are there hordes of staffers to help hunt down the stories that
are out there, with oodles of time to really research and write about them.
Reality bites.

Speaking of reality, I really got a kick out of one of included stories this
week. Normally, I would editorialize about something game-related here, but
in a separate section of the magazine. Well, I stopped writing two separate
editorials some time ago. But, this particular article struck me
humorously; and it's something I've written about a number of times in the
past: video games violence and the pathetic attempts of various people and
organizations to get up on soapboxes and denounce it. The latest ploy by
these zealots is a play on words and the coining of a new word to describe
video games violence: "killographic"!! They figure that if they can define
pornographic as the "graphic depiction of sex", then why not coin a phrase
to depict the graphic depiction of brutal violence?

First of all, who made the determination that all graphic depictions of sex
were bad? And who defines the term "graphic"? What connotes "brutal
violence"? I guess that when Wile E. Coyote or Daffy Duck tries to blow up
the Roadrunner or Bugs Bunny with dynamite on your favorite Saturday morning
cartoon, this is a display of killographic proportions! Is it graphic?

Yep. Is it violent? Technically, yes. We're talking video games, folks!
It ain't real!! Pornography, in its most disgusting depiction of the term,
is real (real people) - whether staged or otherwise. You don't like
pornography or violent video games - don't buy them. Don't let your
children watch or play them. Parental responsibility! Do not dictate to me
and others what to do - it's none of your business!

I think I have to coin a new word to define how I describe people who want
to control what others can or cannot do with regard to video games:
"bullshit-o-graphic". I don't even think I have to include the definition!

Until next time...

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                    Christmas Treat for Atarians

Greetings. This is your blast from the past. I used to help maintain
the Atari Archives at umich, so perhaps some of the survivors from
the '80s and '90s will remember.

I would like to post my annual Christmas Message, and also to wish
everyone who ever owned an Atari to have a safe and happy holiday!

Atari and Caramel Corn:
Something good from the '80s

At least a decade ago, a small company wrote and released a
program that would eventually evolve into a popular desktop
publishing package for the Atari ST platform. Originally
released as "Publishing Partner", the program later became
known as "PageStream".

The original program, or one of its early updates, included
some sample documents which demonstrated the program's uses
and features. One of those sample documents was a recipe for
caramel corn (!) which was not only a supremely tasty treat,
it was exceptionally easy to make (no thermometer! no
dropping glops of sugary goo into water!) and it was "goof
proof". I no longer have the program or the original
document file, but to this day I still make the caramel corn
treat every year at Christmas.

So that no one need go another Christmas season without this
neato treat, I am posting it here for your pleasure.

Enjoy!

Atari Caramel Corn

Utensils:

Large saucepan, cup and spoon measures, long-handled wooden spoon, 2 cookie sheets or cake pans with at least 1" sides, paper grocery bag.

Ingredients:

6 quarts popcorn (1 cup unpopped corn)
1 cup butter
2 cups firmly packed light brown sugar
1/2 cup light corn syrup
1 teaspoon salt
1/2 teaspoon baking soda
1 teaspoon vanilla
spray cooking oil

Pop corn in advance, using as little oil as possible. If you have an air-popper, so much the better. Set aside.

In a large saucepan, stir in brown sugar, corn syrup, salt and butter. Bring to a good rolling boil, stirring constantly. Reduce heat to medium and continue boiling without stirring for 5 minutes.

While mixture is boiling, lightly treat the inside of a paper grocery bag with spray oil. Place popped corn in bag. Treat the two cooking sheets lightly with spray oil.

Remove candy mixture from heat, stir in baking soda and vanilla. (CAUTION: adding vanilla will likely cause some splattering, be very careful!) Make sure the mixture is completely stirred as the soda tends to avoid the lower edges of the pan. Pour mixture over popped corn and mix gently with a wooden spoon.

Roll the top of the paper bag and place in microwave oven, preferably on a microwave-safe surface, NOT on metal rack. Nuke for two minutes, and then stir the popcorn again. (WATCH FOR STEAM WHEN YOU OPEN BAG!) Repeat this procedure twice more, nuking for 1-minute intervals until corn is completely coated. Variant: you may add some redskin peanuts during the last stir, but DO NOT microwave peanuts as they can add an unsavory smokey flavor to the corn.

Pour candied corn equally onto cooking sheets. As the corn cools, continue to stir to prevent clumping. Variant: I've never done this, but you could probably form corn into popcorn balls.

That's it! You've just made yourself a batch of Atari Caramel Corn!

The original Publishing Partner recipe called for using a

warm oven instead of a microwave to keep candy hot for
stirring/coating the popcorn. It was convoluted and took
approximately an hour. The microwave is much faster and
easier and makes no noticeable difference in the final
product. (You'd have to be a Windoze user to ruin this
treat!)

--
    M_Olin@Yahoo.com
    The recipe above is certified Y2K compliant.

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                    PEOPLE ARE TALKING
                  compiled by Joe Mirando
                    joe@atarinews.org

Hidi ho friends and neighbors. Another week has come and gone and we're now
racing a breakneck speed toward Christmas.

Yep, two more weeks and I'll be wondering who I forgot to get a gift for,
how I'm going to make it to all the places I'm supposed to be, and where
I'm going to fit all that turkey.

My Thanksgiving turkey was a bit disappointing this year. Because we had
Thanksgiving dinner at my in-laws' I didn't roast our turkey until the
Saturday after.

Actually, the turkey came out very nicely. The problem was that I had
invited a friend to join my wife and I for dinner. Another friend, his
wife and four kids, and yet another friend were to join us for coffee
after dinner.

Can you guess what actually happened? Yep. You got it. They ALL showed
up for dinner! Luckily, we had enough for all who came calling. We all
ate until we were full, and enjoyed each other's company. It was quite
enjoyable and comfortable, and I'll have fond memories of that evening
for a long time to come.

The part that really ticked me off is that there was no turkey left for
the traditional day-after left-overs. No turkey sandwiches, no turkey
soup, no turkey-nuthin'! I swear that what was left wouldn't have
tempted a stray dog.

Oh well. there are always other turkeys... but I'm running out of people
who can tolerate me! So I guess I'll just be thankful and make do.
<grin>

Well, let's get to the news and STuff from the UseNet.

From the comp.sys.atari.st NewsGroup
====================================

Paul Lefebvre asks about using a 'flash' drive in his Falcon:

"Has anyone tried to use an IDE Flash Drives in a Falcon? I'm
thinking of replacing the measly 65MB drive in my Falcon and would it
seems like a flash drive would be a great idea, if it worked. It would
be quite, fast and have no moving parts."

Frederic Pecourt tells Paul:

"I am implementing a Compact Flash II as IDE device in a STE. You should be
aware of the fact that such devices do not stand more than about 500 000
write cycles (maybe more now). This should not be a big deal except if one
is used to defrag its hard disk every day !

you can have a glance here : http://stlabs.free.fr/

there exist loads of IDE-CF adaptors including the reduced form factor of
the IDE connector like in the Falcon :
http://www.acscontrol.com/Merchant2/merchant.mv?Screen=PROD&Store_Code=
ACS&Product_Code=ACS-CF-IDEToCFA-SFF&Category_Code=COMPACT_FLASH "

Alexander Beuscher tells Frederic:

"The point is that FAT sectors are written to quiet often (whenever a new
file is created or whenever an existing file is growing over a cluster
border), thus they will get damaged first - although other sectors may
even be untouched until then.

One could think of an alternative way of partitioning, placing the FAT
sectors not directly at sector 2.

Or use an alternative file system (minix, ext2) with better distribution
of administrative data blocks."

Lonny Pursell adds his experiences:

"I tried a 128mb and 256mb SanDisk IDE flash drives in my hades, with no
success. It just would not see the drives correctly as master or slave.
I ended up reselling them on ebay.

The SCSI flash drives that take media work on my hades, even booted from
one for fun, totally silent boot up, it was neat. However the speed of the
scsi transfers is much lower. I have a 880mb pcmcia card that I use
strictly for backups on my hades."

Greg Goodwin adds:

"I've thought about it too, and still might go that route someday.
Here is a link for an ICD to CF adapter. Just add a CF card and off
you (should) go. http://store.mini-box.com/ituner/cfdisk2d.html "

We get this one every so often, but to be honest I can't remember the
answer myself so let's listen in as Jason Davey asks:

"Does any one know what TOS Error 35 on an STE means?"

Lonny Pursell tells Jason:

"Generally means a program file is either corrupted somehow, or the program
file is not a program file to begin with, like an archive named incorrectly
as *.prg perhaps."

Jason now asks about using a parallel ZIP drive:

"Does any one know if it is possible to connect a parallel Zip drive to a
ST/STE? If this hasn't happened is it because of technical reasons that
make it hard or impossible to write a driver?"

Maurits van de Kamp tells Jason:

"...*YES* you can link a parallel ZIP-drive to an Atari, using a special
cartridge-port adapter. But that adapter might be hard to find.

(Actually, last time I posted this, a few weeks ago, someone replied with
the company that sold the adapter.. look it up and ask them)."

Clint Thompson asks about SCSI problems on his Falcon:

"I have a Falcon 030 (stock) with 14MB RAM
and an external Yamaha CD-RW.

Using MiNT/MultiTos, TOS ROMS 4.02, 63MB IDE (internal) HD, 68882
FPU....
I was messing around with ACE from New Beat Software... and I couldn't
get it to load properly under MiNT.(it would freeze) so I tried it
just in straight TOS and it loads only with a orange background and
everything's messed up looking (well, its hard to see with the orange)
and doesn't seem right.

I unhooked my SCSI CD drive and wham, it works just fine in MiNT....
now... is this a serious issue? I know I've read and heard about
scsi/audio related issues but what can I do?"

Mark Bedingfield tells Clint:

"Opens can of worms..... OK, your first port of call is your hard disk
driver. What are you using ICD, Hddriver, AHDI or CBHD? Next up it could be
the infamous scsi bug. Being that you are running TOS 4.02 it would be a
pretty safe bet that you are running an early Falcon. So the SCSI buffer
mod comes to mind. Have you ever had any SCSI issues before? Next you could
try booting with no accessories or auto prgs. Lots more to try. <grin>"

'M. Olin' posts his holiday wishes for anyone with an Atari and/or a sweet
tooth:

"Greetings. This is your blast from the past. I used to help maintain
the Atari Archives at umich, so perhaps some of the survivors from

the '80s and '90s will remember.

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Well folks, that's it for this week. I know it's short, but... but... but... aw hell, I might as well be honest... I've just got to go try that caramel corn recipe!!!

Have a good week, and c'mon back next time and we'll see what we can dig up to talk about. 'Till then, keep on keepin' on and always... always listen to what they are saying when...

PEOPLE ARE TALKING

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->In This Week's Gaming Section   - Sammy To Buy Stake in Sega!
  """""""""""""""""""""""""""""""    Beware 'Killographic' Games?!
                                     AOL Video Game Ranking, Competition!




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->A-ONE's Game Console Industry News   -  The Latest Gaming News!
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                    Sammy to Buy Stake in Sega

Sammy Corp., a major Japanese "pachinko" pinball-machine maker, said Monday
it plans to buy a 22.4 percent stake in Sega Corp., to become the largest
shareholder in the videogame software maker.

The announcement comes after talks between Sega and Sammy over a possible
tie-up fell through in May. Similar talks between Sega and rival game maker
Namco also broke down in May.

Sammy will spend 45.33 billion yen ($419 million) to buy 39,148,600 shares,
or 22.4 percent of Sega, from CSK Corp. Sammy's president, Hajime Satomi,
said his company might add to its stake in Sega in the future.

Under Japanese law, a majority stockholder only needs a 33 percent stake to
have decision-maker power.

Sammy said in a statement it didn't know how the purchase might impact
earnings. The company didn't say why it decided to invest in Sega after
backing out of the merger deal in May, citing a lack of common operations.

Sammy, which makes the popular vertical pinball games set up in parlors
across Japan, has been trying to expand into other areas as growth in its
own industry slows. Analysts said Monday's purchase could trigger a round
of consolidation in the video game sector, where the costs of game
development have soared.

Sega, which makes the popular Sonic the Hedgehog game, returned to
profitability last fiscal year, after a major overall. It stopped producing
its money-losing Dreamcast game console in 2001 to focus on game software
amid intense competition from Sony Corp.'s PlayStation2 and others.

            AOL Launches Video Game Ranking, Competition Service

America Online on Wednesday said it would launch a service allowing video
game players to enter tournaments to compete for bragging rights and
prizes.

The new AOL Ladders service, a partnership with Case's Ladder, a division of eUniverse Inc., will be offered for games on Sony Corp.'s PlayStation 2 console. Support for Nintendo Co. Ltd.'s GameCube is planned for next year.

The service, free to AOL subscribers, comes as game publishers and console makers, looking for new sources of revenue, take steps toward launching their own game leagues.

With the industry entering a slower growth phase, pay-for-play events and other subscription services have been seen as a way for publishers and service providers to stem declines in revenue and extend the financial life of games beyond the point of sale.

In gaming ladders, players sign up to compete in a particular game on a particular platform. After finding an opponent, players play and then report their statistics. As players improve they rise up the "rungs" of the ladder.

Jeremy "Case" Rusnak, founder of Case's Ladder, told Reuters that AOL players would be able to find opponents either in chat rooms or by instant messenger.

AOL members, Rusnak said, are essentially getting a $19.95 yearly Case's Ladder "Gold" membership for free, with the option to upgrade to the $9.95/month "Platinum" or $19.95/month "Diamond" memberships, with more services and features.

Among the games initially available on AOL Ladders are "Madden NFL 2004," "SOCOM II: U.S. Navy Seals" and "Tony Hawk's Underground."

"For us the most important thing we can do to enhance our games offerings ... is to bring the community right to the center of those offerings," Matthew Bromberg, vice president and general manager of AOL Games, told Reuters.

AOL also said it would expand the service next year by allowing subscribers to form leagues and manage tournaments.

As online gaming becomes more commonplace, hardware makers and game publishers have rushed to set up their own gaming leagues, particularly for sports titles.

Publishers like Electronic Arts Inc. have suggested those leagues could eventually become pay-to-play, and Bromberg said the ability to offer paid competitions was a key goal for his unit.

AOL, a unit of Time Warner Inc., and Sony's video game unit, Sony Computer Entertainment of America, are working on a version of the AOL service designed to run on the PS2. Sony executives have said they expect that to launch this year, once they release a hard drive for the PS2.

Parents Beware: 'Killographic' Video Games

A public interest group had a holiday warning and a new word on Monday for parents of video game users: Beware of "killographic," defined as the "graphic depiction of brutal violence."

The National Institute on Media and the Family, an independent, nonprofit group, said "killographic" scenes are featured in a number of video games within reach of children.

Issuing its eighth annual MediaWise Video Game Report Card, the institute listed games parents should avoid for their children, led by "Manhunt."

"If pornographic is the 'graphic depiction of sex,' then killographic should enter our vocabulary to describe the 'graphic depiction of brutal violence,"' David Walsh, the institute's president, told a Capitol Hill news conference.

"Clever phrase," Doug Lowenstein, head of the Entertainment Software Association, which represents computer and video game software publishers, replied when asked about "killographic."

Lowenstein noted that the average age of those who play video games is 28, and said as adults they should be allowed to pick their entertainment.

He also pointed out that the industry rates its games on age appropriateness, and that Walsh's institute found most parents are not aware of a game's content. "The message is that parents in many cases aren't doing their job," Lowenstein said.

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A-ONE's Headline News
The Latest in Computer Technology News
Compiled by: Dana P. Jacobson

Congress OKs National Anti-Spam Bill

Congress on Monday approved the first national effort to stem the flood of unwanted e-mail pitches offering prescription drugs, cheap loans and other come-ons.

President Bush has indicated he intends to sign the measure into law. Indeed the White House revamped its own e-mail system this summer over a flood of so-called spam.

Clogged inboxes have become a leading irritation among Internet users, an increasing business expense for companies and a popular target for Washington interest before an election year.

"Today, it's a nightmare that threatens to overwhelm people's legitimate use of the Internet," said Rep. Heather Wilson, R-N.M. "All the technologies and the filters have failed to keep our inboxes free of junk."

The House voted without dissent to approve slight changes Senate lawmakers made to the "can spam" legislation, which would outlaw the shadiest techniques used by the Internet's most prolific e-mailers, who send tens of millions of messages each day. The bill would supplant tougher anti-spam

laws already passed in some states, including a California law that takes effect Jan. 1.

The bill was among the farthest-reaching Internet measures approved during the Bush's term, which has largely continued the Clinton administration's hands-off approach toward regulating America's technology industry. The last such major legislation was a 1998 law banning Web sites from collecting personal information from children under 13.

The anti-spam bill encourages the Federal Trade Commission to create a do-not-spam list of e-mail addresses and includes penalties for spammers of up to five years in prison in rare circumstances. The Senate previously voted 97-0 to approve the bill.

The legislation would prohibit senders of unsolicited commercial e-mail from disguising their identity by using a false return address or misleading subject line. It also would prohibit senders from harvesting addresses off Web sites and require such e-mails to include a mechanism so recipients could indicate they did not want future mass mailings.

"This is one of the more sweeping Internet regulatory schemes we've seen," said Alan Davidson of the Washington-based Center for Democracy and Technology. Although he criticized parts of the anti-spam bill, he said consumer frustration was driving lawmakers.

"Most people are going to be glad this bill is heading to the president soon," he said.

Some critics said the bill didn't go far enough to discourage unwanted e-mails. The Coalition Against Unsolicited Commercial E-mails called the congressional effort "really disappointing." The group prefers a law requiring marketers to obtain someone's permission before sending them any e-mails. It said the alternative method of consumers asking marketers not to send them any more messages hasn't worked.

"What Congress is effectively doing is ignoring these laws that haven't worked everywhere else they've tried," said the group's spokesman, John Mozena. "This bill fails the most basic tests for anti-spam legislation; it doesn't tell anybody not to spam."

FTC Settles with Two Florida Spammers

Two Florida men have agreed to post $1 million bonds before sending out Internet "spam" in the future as part of a settlement on deceptive-business charges, federal regulators said on Tuesday.

The Federal Trade Commission had charged Gregory Roth and Peter Stolz with violating banking and consumer-protection laws in a U.S. court in Miami.

The two portrayed themselves as mortgage lenders in unsolicited commercial e-mail, the FTC said, but their 30 Minute Mortgage operation was in fact not a lender and did not offer 30-year loans at 3.95 percent, as advertised.

Instead, the two were interested in getting potential customers to divulge their Social Security numbers, income and other sensitive financial data, which they then tried to sell to others, the FTC charged.

Roth and Stolz agreed to obey existing banking and consumer-protection laws and post $1 million bonds before sending spam in the future, the FTC said, and to not use the personal records they had collected.

A $57,500 judgment against Roth was suspended.

The two did not deny or admit guilt as part of the settlement.

Congress, Yahoo! Slam Spam

The anti-spam war is gathering momentum. Hardly a week goes by without a major technology company or various arms of the government creating a new way to attack unsolicited e-mail. But the past week has seen some of the most significant efforts yet. Yahoo! has announced ambitious plans to launch an e-mail authentication system that would change the way the Internet works, and Congress has passed national CAN SPAM legislation.

The Yahoo! scheme calls for a way to "attack the spam problem where it should be attacked-at the absolute root," said Brad Garlinghouse, vice president for communication products at Yahoo!, in a PC Magazine interview. New software called "Domain Keys," which will be made freely available in 2004 to open-source developers, would authenticate the outbound domains of every e-mail message using unique embedded keys within e-mail message headers. The keys would be authenticated through comparison with public keys registered by the Internet's Domain Name System (DNS).

"There is a long row of dominoes that we are staring at," Garlinghouse says, "and nobody has really pushed over that first domino. To get the right kind of cascading effect going in fighting spam, we believe pushing over the first domino is about verification of domain identity."

Domain Keys roughly resembles several similar efforts to curb spam through sender authentication. For example, Bonded Sender (www.bondedsender.org), sponsored by anti-spam firm IronPort Systems, allows originators of messages to purchase a bond testifying to the integrity of mail they send. If recipients feel they have received unsolicited e-mail from the sender, they can complain to their ISPs or to IronPort, and a financial charge will be debited from the bond.

"Bonded Sender really focuses on the bulk mail providers," says Garlinghouse. "That and other efforts from interesting startups can work. We think Domain Keys can work well along with these, though. They can be symbiotic, but we don't think either Bonded Sender or the CAN SPAM legislation can be entirely effective unless the whole high-tech industry comes together to authenticate and manage all e-mail."

Congress approved the national CAN SPAM legislation last week that could take a bite out of the unsolicited e-mail flood. Among other rules, the legislation requires senders of unsolicited e-mails to include reply features so that recipients can specify that they do not want mass mailings. New rules also restrict senders of unsolicited e-mail from using misleading subject lines and disguising where e-mails were sent from. President Bush has said he intends to sign the legislation into law.

Critics, though, argue that most spam is relayed from open proxies and from outside the US. An advisory from security firm MessageLabs, for example,

cautiously backs the new legislation, but adds that "if signed into law a
is, it could increase already growing volumes of spam and adversely affect
consumers and businesses in a number of ways."

One of the main concerns MessageLabs has raised is that the new legislation
would encourage recipients of unsolicited e-mail to reply to messages to
state they don't want future mass mailings.

"By opening e-mails and their various attachments," says the advisory,
"users run the risk of infecting their computers with mass mailing viruses
such as Sobig.F that have been responsible for the doubling of spam over
the last six months. By replying to mails sent by malicious spammers, users
are validating their e-mail addresses, thereby setting themselves up as
live targets to receive additional illegal or legal spam."

One of the components of the Can Spam legislation is a national do-not-spam
registry, similar to the registry that restricts telemarketing calls.
MessageLabs has also criticized this component of the legislation: "A
do-not-spam registry, if it were to be created, poses significant privacy
and security challenges and risks. We have every reason to believe that a
national database with multiple layers of security protecting millions of
e-mail addresses could be compromised at some point in the future."

Meanwhile, MessageLabs has predicted that by April of next year, a whopping
70 percent of Internet e-mail traffic will be spam, up from more than 55
percent today, in spite of new US and European legislation aimed at curbing
the problem. In May, the company-which tracks 30 million messages a day for
over 7,500 companies-reported that for the first time more than 50 percent
of business e-mail traffic consisted of spam. And researchers at the Pew
Internet & American Life Project have issued a complete study on attitudes
toward spam, noting that it is "degrading life on the Internet."

Negotiators Clear Hurdles to Internet Summit

Envoys struck last-minute deals on human rights and managing the Internet
to allay fears that this week's world summit on information technologies
would become a battle between rich and poor states, officials said Sunday.

The World Summit on the Information Society (WSIS) was called to help close
the "digital divide" between developed and developing countries, but it
quickly became embroiled in issues of press freedom and how to administer
the Web.

Negotiators were forced to call a round of preparatory talks for the
December 10-12 meeting in Geneva to be attended by over 60 heads of state
and government because of deep outstanding differences.

Some developing countries, including Brazil, had pressed for international
organizations to have a leading role in operating the Web, which is run by
the private business community in developed states.

On human rights, concerns arose that some states, among them China and
Iran, were trying to qualify the right to freedom of expression by
juxtaposing it with references about duties to the community - both of
which are spelt out in the Universal Declaration of Human Rights.

But late Saturday, negotiators representing nearly 200 countries reached

agreement on two draft texts - a declaration of principles and an action plan - to be put to their governments in Geneva.

On Internet management, states agreed to ask United Nations Secretary-General Kofi Annan to set up a working party to investigate and report back by 2005, when a second summit will be held in Tunis.

The only outstanding question was whether countries would agree to launch a special international fund to help poorer states, particularly in Africa, finance the development of information technology networks.

"We do not agree on a few words about the financing but the two declarations are 95 percent approved," said Swiss senior government official Marc Furrer, who brokered the negotiations on behalf of the host government.

He said he was confident further discussions on the issue ahead of Wednesday's start of the summit would resolve the issue.

"All are agreed that something needs to be done (to help poorer countries)," he told a news conference.

Most heads of state and government attending the summit will be coming from developing countries. German Chancellor Gerhard Schroeder was one of the few European leaders expected, but pulled out last week to attend to domestic political matters.

U.N. Sets Aside Debate Over Control of Internet

United Nations member states this weekend headed off a showdown over who should control the Internet, agreeing to study the issue and reopen it in 2005.

In a last-minute meeting before the start of this week's World Summit on the Information Society in Geneva, representatives set aside a brewing debate over whether national governments, rather than private-sector groups, should be in charge of managing and governing the Internet around the globe.

UN member states instead will ask Secretary General Kofi Annan to put together a panel of experts from government, industry and the public to study the issue and draft policy recommendations before the high-tech summit reconvenes in Tunisia in 2005.

"Essentially this amounts to saying: Look, let's see what the problem is, rather than [suggest] any solution," said Nitin Desai, the special adviser to the secretary general at the summit. "It's a complex issue. I'm glad that nobody's jumped to any quick conclusions on it."

Leaders had planned to wade into a debate over the way Web site and e-mail addresses are doled out, standards are set for Internet security and the thorny question of how Internet-based transactions are taxed, among other things.

Some developing nations have complained that the world's most visible Internet governance body - the U.S.-based Internet Corporation for Assigned Names and Numbers (ICANN) - hasn't adequately represented non-U.S.

interests, and should be replaced with a governmental group overseen by the United Nations.

ICANN President Paul Twomey said this weekend's compromise shows that most countries don't want to scrap ICANN.

"When you look at the actual outcome, it reflected that a lot of delegations weren't willing to go down that path at all. I think that was a minority opinion," Twomey said. "We're happy also to have two years where we listen to the concerns of governments."

ICANN - a Marina del Rey, Calif.-based nonprofit - has managed the Internet's global addressing system since 1998 under an agreement with the U.S. government.

Many U.S. companies - who actually run much of the Internet's infrastructure - strongly opposed efforts to move Internet management into government hands, arguing that private-sector groups like ICANN are better suited to respond to the quickly evolving Internet.

David A. Fares, the director of electronic commerce for the New York-based United States Council for International Business, said under the circumstances this weekend's compromise was "acceptable." He would have preferred to see the question of who should manage the Internet's technical functions shelved permanently.

Business leaders will now turn their attention to ensuring that they are adequately represented on the study group called for under this weekend's draft resolution, Fares said.

State Department spokesman John Finn said the United States is satisfied with the resolution.

"We welcome the development of a preliminary consensus . . . that reflects unanimity on a multi-stakeholder approach to the Internet, and that no changes to the current governance structure associated with the Internet should be made by the summit," Finn said.

Negotiators this weekend also agreed that free speech protections should extend to the Internet. In addition, member states last night were still hammering out a compromise on a fund intended to help developing countries bolster their Internet infrastructures.

This weekend's agreements must be ratified at the formal summit, which started Wednesday, but Desai said that would be a "formality."

Delaware Senator Proposes Internet Sales Tax

Sen. Tom Carper wants to preserve Delaware's reputation as the home of tax-free shopping by slapping an Internet sales tax on online shoppers in other states.

More and more Americans are discovering that online shopping can be quick, convenient and, in many cases, tax free, since many Internet retailers don't charge sales tax.

Thus, residents of Maryland, Pennsylvania, New Jersey and other nearby

states have less incentive to drive to Delaware when they can buy merchandise tax-free with a few strokes on a computer keyboard.

Alarmed by the growing trend, Carper (D-Del.) is pushing legislation that would force Internet retailers to begin charging sales tax to all customers who live in states with a sales tax. He hopes that will lure out-of-state shoppers back to Delaware.

Because Delaware has no sales tax, residents of the First State would still be able to buy goods tax-free on the Internet.

"Part of Delaware's attraction to tourists is that people can come and shop until they drop and never have to pay a dime of sales tax," Carper said. "The Internet is undermining Delaware's unique status."

Carper said Internet sales aren't a huge problem for Delaware now, but could be in the future.

Internet sales are expected to hit $41 billion this year, only slightly above 1 percent of total U.S. retail sales but up significantly from the $32 billion spent last year.

Next year, Congress is expected to take up legislation giving states the authority to collect sales tax from Internet retailers the same way they do from shops located within their borders. The bill would exempt the five states with no sales tax - Delaware, Alaska, Montana, Oregon and New Hampshire.

The bill, sponsored by Sen. Byron Dorgan (D-N.D.) has substantial support from both parties in Congress. It also is backed by state governments, which along with local governments lost out on $13.3 billion in uncollected sales tax from catalog and Internet purchases in 2001, according to a University of Tennessee study.

Owners of brick-and-mortar shops also support an Internet sales tax, arguing that it's not fair for them to have to collect sales tax when their Internet competitors do not. Some major retailers voluntarily charge online sales taxes, saying they want to bolster the effort to require their Internet-only rivals to do the same.

"For states with a sales tax, it is a fairness issue," said Carper, former chairman of the National Governors Association. "I don't know what you say to a retailer who has a store in your state who provides jobs and collects sales tax to pay for schools, transportation, health care, fire and police. Do you show your appreciation by giving their Internet competitors an advantage?"

Internet retailers contend that they shouldn't have to collect sales tax because they and their employees don't use the schools or roads in many of the states where they ship their products. They also argue that collecting sales tax in 45 states with different tax codes would be an administrative nightmare, and that forcing online shoppers to pay both sales tax and shipping charges, will hurt Internet commerce.

Court Orders SCO To Show Code Within 30 Days

IBM won a significant legal victory on Friday after a Utah judge forced The SCO Group to show within 30 days the Linux code that it claims infringes on its UNIX ownership rights. The decision - cheered by commercial Linux companies and the open source community - will shed light on the precise code IBM allegedly donated to Linux in violation of its contract with SCO.

Open-source advocates and commercial Linux companies maintain that SCO has no case against IBM or the GPL and are pleased that the court forced SCO's hand.

"The idea that SCO owns enough of the intellectual property contained in and represented by Linux is absolutely preposterous," said Ron Herardian CEO of e-mail integrator Global System Services, based in Mountain View, Calif.

"Whatever code, if any, that SCO can legally prove it owns the rights to will simply be expunged from Linux. SCO will never see a penny from these suits. And any attempt to sue a company that is merely using Linux without first winning a prerequisite IP case is frivolous."

Since the Unix company filed its multi-billion lawsuit against IBM last March on that claim, opponents have decried SCO's refusal to show proof of its charges and its claim as baseless.

Observers were further incensed when SCO sent warning letters to 1,500 Linux customers last spring threatening legal action when the company hadn't yet argued its case in a court of law or secured a ruling.

The IBM case isn't scheduled to begin until 2005.

Under pressure from open source backers, SCO agreed in June agreed to show a portion of the allegedly infringing code to analysts and select individuals under non-disclosure agreements (NDAs) but nothing conclusive came of that experiment.

Then in August, IBM and Red Hat shot back. IBM filed a cross claim charging SCO with violating the terms of the GPL and Red Hat filed a counterclaim asking a Delaware court to toss out the case.

Red Hat said SCO's claims are unfounded and designed to create an atmosphere of fear, uncertainty and doubt about Linux. Others claim that SCO is trying to exploit the legal system to pump up its stock and licensing revenues base. SCO denies those charges.

Two weeks ago, SCO announced it intends to expand litigation and will file a copyright claim against a major Linux customer in the near future.

SCO CEO McBride sent out a letter Thursday night claiming the GPL violates the U.S. constitution, U.S. Copyright Law and the Digital Millennium Copyright Act. He claimed Red Hat and the Free Software Foundation with trying to undermine U.S. copyright and patent law.

Intellectual property (IP) attorneys and observers in the open source community contend it's been difficult to assess the merit of SCO's claims without proof on the table. The court's decision, however, should clarify the situation for programmers, partners, attorneys, vendors and customers, observers expect.

"It's difficult to make any judgment," said George Weiss, a vice president with the Gartner Group, noting he has heard conflicting accounts about how

the alleged code was contributed to the Linux kernel. "I split into two parts. There are IP and copyright laws that have to be respected, but whether SCO has a legitimate case has to be determined by the court."

One IP attorney says SCO's charges against IBM and its threatened copyright lawsuit will be difficult to prove regardless of the release of code because of the ambiguity of the original AT&T contract and the right of licensees to product derivative works.

"One of the problems SCO has is that they're a successor to an operating system that was always in a never ever world between proprietary and open source," said Tom Carey, an IP attorney and partner in Bromberg & Sunstein, Boston, who examined the contract IBM signed with SCO, and said the language leaves much room for interpretation.

He claims the contract between IBM and SCO and its predecessor Novell gave IBM a lot of "leeway" to develop competitive and arguably derivative code.

In spite of the ruling on Friday, SCO said it remains on track to file a major copyright case against a Linux customer in the near future.

While declining comment on the specifics of McBride's letter of last Thursday, Red Hat CEO quipped that SCO would have voluntarily showed the code if its case were solid.

"It's more of the same, more of the same," Szulik wrote in an e-mail to CRN. "I am sure the Founding Fathers would have produced the facts for all to see by now."

Many in the open source world demand to see the code at issue.

"SCO still has produced no evidence of actual infringement," said Tim Dion, a software engineering manager and Linux supporter who did not specify his company's name." I ask for only one thing. Mr McBride, just show us the code. Stop playing games and show us the infringement."

In a month's time, the code in question will be a matter of public record.

Lindows.com Ordered to Change Name

Judges in Finland and Sweden have given Microsoft what it has twice been denied in the U.S.: preliminary injunctions barring Linux vendor Lindows.com from using the Lindows name.

Microsoft sued Lindows.com in the U.S. in December 2001, accusing the company of infringing its Windows trademark and asking the court to bar Lindows.com from using the Lindows name.

The company lost two requests for an injunction and the matter is now for a jury to decide in a trial set to start March 1, 2004.

European courts appear to be siding with Microsoft. The Redmond, Washington, company sought a preliminary injunction in Finland on November 28 and it was granted on Decemebr 1, company spokesperson Stacy Drake says.

In Sweden, Microsoft requested a preliminary injunction on December 9 and got it on December 10, she says.

Microsoft has also filed a request for a preliminary injunction in the Netherlands and intents to do so in France, where it has already taken the first step in that process by filing a complaint with a local court, Drake says.

"In response to what is a clear and obvious infringement on our trademark, Microsoft has taken action in select international territories to curtail infringing or misleading behavior on the part of Lindows.com," Drake says.

Lindows.com spokesperson Cheryl Schwarzman says the company was unaware of the Finnish preliminary injunction or the filing of a complaint in France. Lindows did know of the Microsoft action in the Netherlands, she says.

Lindows.com Chief Executive Officer Michael Robertson in a statement issued in response to the Swedish injunction, lashed out against Microsoft's legal pursuit of his company, accusing Microsoft of using lawsuits "as a battering ram to smash Linux."

Drake denies that Microsoft is trying to stifle competition.

"Microsoft's steps in this case are only about the Lindows name. We are merely asking that Lindows.com change its name, which obviously is meant to copy our Windows brand," she says. "Contrary to Lindows' statements, this is not about Microsoft trying to prevent competition."

Phone Companies Cut Internet Service Prices

Phone companies are turning to price cutting to close the gap with the cable guys, who control about two-thirds of the rapidly growing market for high-speed Internet service.

BellSouth Corp. and others are trotting out slower broadband at cheaper rates to entice price-driven consumers. Verizon Communications Inc., SBC and others offer discounted DSL to customers who also order local or long-distance phone service.

"Pretty much everybody has some type of offer out there," said Bruce Leichtman, whose Durham, N.C., firm conducts research on broadband products and services.

"The question that remains is, will we have a price war?" Leichtman said. "The challenge is once you start this, it's very hard to extract yourself from it."

For now, cable companies are mostly holding prices steady and instead are competing by offering ever-faster service. That could lead to a two-tiered consumer broadband market.

Phone companies could wind up charging lower rates to people who use the Internet mostly for browsing and e-mail, while cable companies take the high-end customers who will pay more for quicker downloading of streaming video and other bandwidth-intensive applications.

Cable companies have toyed with lower prices, too, however.

The nation's broadband leader, Comcast Corp., briefly offered a $19.95

monthly rate in a few markets but decided not to extend the deal this week.

Patrick Mahoney, an analyst with The Yankee Group, said telephone companies, or telcos, are willing to cut broadband prices if it helps them keep local and long-distance phone customers when cheap DSL is packaged with phone service.

"Telcos are using DSL to protect their flagship product, which is voice," he said. "They make good margins on voice."

SBC, Verizon and other phone companies, however, have been experiencing sharp declines in the number of local-service lines because of the rise of e-mail and cell phones. That has weighed heavily on their stock prices.

Mahoney estimates that SBC is just about breaking even by offering DSL for $26.95 a month (the price is locked in with a one-year commitment, and installation costs $200 if you don't want to do it yourself).

Discounts helped broadband companies post strong increases in subscribers in the June-September period, a trend that analysts expect to slow only slightly in the fourth quarter.

Americans have been signing up for high-speed service in big numbers. The major cable and phone companies added more than 2 million new subscribers in the third quarter, raising the total number of broadband households to more than 22 million.

Meanwhile, The Yankee Group estimates there will be 51.5 million dial-up households at the end of December, down from 54.5 million a year ago.

Denice Hasty, assistant vice president of consumer marketing at San Antonio-based SBC, said about 70 percent of DSL subscribers have moved up from slow dial-up service.

AT&T Corp. is promoting a $19.95 deal, although it jumps to $39.95 after three months.

BellSouth has crafted a steppingstone strategy to lure dial-up customers, knocking $10 off - as low as $24.95 - for a slower "DSL Lite" that has a download speed of 256 kilobits per second - still about five times faster than dial-up - and upload of 128 kbps.

By comparison, the $26.95 offer from SBC promises download speeds as fast 1.5 megabits per second - one megabit is 1,000 kilobits - with the same upload rate as BellSouth's DSL Lite.

Cable-modem service can be as fast for downloads as several megabits per second, though the speed can suffer if several users in one neighborhood log on at once.

Dave Watson, executive vice president of Comcast cable, said the faster speed makes cable "a different product, and we don't need to discount it."

Comcast expects that new applications such as video chat and video e-mail will drive more customers to faster cable systems, not lower-priced DSL. Phone company executives believe the cable operators misjudge the market.

"The cable guys say, 'We have 3 megabits and it's all about speed,' but the people who were sitting on the sidelines were dial-up customers," said Michael Bowling, vice president of broadband at Atlanta-based BellSouth.

"They need a lower-priced product even if it has a different speed."

Kathy Hackler, a telecommunications analyst for research firm Gartner Inc., said the discounts have put broadband service "in the ballpark for a lot of users." But, she added, companies must overcome the perception that installing high-speed Internet is a chore involving long delays.

Leichtman predicted that lower prices will create more churn - customers who will jump from one provider to another based on the latest, greatest offer.

"Deals are nice to attract customers," he said. "But it's a whole different game to retain them."

Windows 98 Remains Widespread

Microsoft is planning to end support for Windows 98 next month, but many businesses still have computers running on the operating system, a new study shows.

AssetMetrix, an Ottawa-based IT asset analysis tool vendor, collected data on over 370,000 PCs from 670 businesses in the U.S. and Canada. It found that 80 percent of those companies have at least one PC running either Windows 95 or Windows 98.

The older operating systems accounted for about 27 percent of operating systems found.

Microsoft will end support for Windows 98 and Windows 98 Second Edition on January 16. The products will become "obsolete," according to the Microsoft Web site.

Online self-help support will continue to be available until at least June 30, 2006, but Microsoft will not provide security fixes or other product updates.

Support for Windows 95 ended on December 31, 2001, according to the Microsoft product lifecycle Web site.

As a result of the Windows 98 retirement, businesses that still have operating system in use face "an ever-increasing risk of security breach for their entire network," according to the AssetMetrix study.

The company advises businesses to retire all Windows 98 systems that are connected directly to the Internet.

Yahoo to Launch Cut-Rate Broadband Service Package

Yahoo Inc. will offer its long-awaited bundle of premium services for people who already have high-speed Internet connections this month at a price below its major competitors, the company said on Monday.

Priced starting at $5.95 per month - with a free trial for the first three months - the Yahoo Plus service marks an extension of Yahoo's subscription

offerings to users outside its successful partnership with local telephone carrier SBC Communications Inc. .

Yahoo had told analysts in February that it would establish a "bring-your-own-access" bundle of premium services, but its aggressively low pricing and offer of a lengthy free trial came as a surprise to some who said it showed the company wanted to attract users in the face of competition from AOL and MSN.

The new Yahoo service includes some of the same content and services provided to customers of SBC Yahoo DSL but is designed for users with any Internet connection, regardless of provider.

America Online, a unit of Time Warner Inc., has been heavily promoting "AOL for Broadband," which starts at $14.95 a month. In August, Microsoft Corp. said it would launch a version of its MSN access service for people with broadband connections called MSN Premium, priced at $9.95 a month.

Having long passed its days as a search engine and portal that survived on advertising revenue alone, Yahoo has increasingly branched out into a range of services, such as job searches and personal ads, that generate subscription fees.

Yahoo Plus includes premium email accounts, anti-spam tools, instant messaging software, online photo storage, streaming Internet radio, streaming video, a Web browser that can be customized and home pages for multiple family accounts.

"You start to bundle these types of services and it becomes more attractive," Deutsche Bank Securities analyst Jeetil Patel told Reuters. "What's interesting is that they're able to offer a free service for 90 days. They're clearly interested in building at least usage."

Microsoft Releases Product Hit List

Next week is doomsday for an armada of Microsoft products that no longer will be distributed because of a settlement with Sun Microsystems.

The older products' retirement is mandated largely because they contain the Microsoft virtual machine, which allows Windows users to run Java applications. In 2001, Microsoft settled a lawsuit filed against it by Sun, which accused the software giant of breaching a contract by selling a version of Java that did not jibe with Sun's own version.

Microsoft paid Sun US$20 million and agreed to stop distributing products with the Microsoft virtual machine by January 2, 2004. In October of this year, Microsoft said that it no longer would distribute Java virtual machines at all.

Starting December 15th, the following products no longer will be distributed by Microsoft:

most versions of Windows; all editions of Office 2000; Windows NT 4.0 Terminal Server Edition; and Office XP, developer edition.

Other products containing the virtual machine will be updated so that they no longer contain it:

ISA Server 2000; Office XP Professional with FrontPage; Publisher 2002; Windows NT 4.0 (workstation, server, enterprise server); and Small Business Server 2000.

The negotiation with Sun is by no means the only reason many products were being phased out, says Tony Goodhew, public manager of Microsoft's developer division. Most of the retirees are older products with limited futures, he said.

"None of these products depend on the Microsoft virtual machine," he told NewsFactor. "Most of them had it included as part of an OS update or included as part of an earlier version of Internet Explorer. So whether or not we had a third-party virtual machine was immaterial, because we still had to shop shipping the Microsoft virtual machine," he explained.

"So we looked at products that had this in them, and looked at where they were in their lifecycle, and many were at the end of their product lifecycles anyway," Goodhew continued. "So we decided to retire them, rather than go back in and go to the trouble of removing the Microsoft virtual machine and redistribute without the virtual machines."

Many Microsoft products containing the virtual machine will continue to be supported, however, Goodhew stressed.

"What this is about is Microsoft distributing the products, and in no case is this going to force any customer to upgrade," he said. "We're not saying, 'If you've got this, you need to upgrade now.' Customers who have products can continue to use them and have support throughout the support lifecycle. We can support products - we just can't distribute them as per our settlement with Sun."

Though Microsoft has been good about developing friendly ways for clients to migrate away from the Microsoft virtual machine, it is still a major inconvenience for many enterprises, Giga vice president John Rymer said.

"For any company, you don't want to go through a transition like this," he told NewsFactor. "Our attitude was this was a choice Microsoft made that Microsoft didn't have to make. Every other vendor on the planet has licensed Java. Microsoft has not. They could've license Java. They chose not to - and Microsoft was very annoyed when we pointed that out," Rymer said.

"Anytime you have to make a transition, that's money that going into not better performance, not an expansion, but just remaking what you had already," he pointed out. "That's not good. Even going from Microsoft Java to Sun's Java, there's a lot of recoding you have to do. For a lot of companies, this was vexing."

According to the most recent list released by Microsoft, the discontinued products also will include the following:

Office XP Developer; Visio 2000; BackOffice Server 2000; Office 2000 Developer; Office 2000 Tools; Office 2000 Multilingual; Office 2000 Premium SR-1; Office 2000 Service Pack 2; Outlook 2000, Project 2000; SQL Server 7; SQL Server 7 Service Pack 3; Embedded Visual Tools 3.0; Visual Studio 6 MSDE; IE 5.5; MapPoint 2002; Visual Studio 6.0 SP3 and SP5; Windows 98; Windows 98 Y2K; Windows 98 Resource Kit; Windows 98 SP1 (all Win98 except SE); Windows NT 4.0 (Terminal Server and Option Pack); and Visual Basic (Alpha Systems).

Kazaa Blocks Copycat Service

Sharman Networks, the company behind the world's most popular download service Kazaa, has begun a mass campaign to close rival program Kazaa Lite K++ on the grounds of copyright infringement.

This weekend thousands of Kazaa Lite K++ users found almost every download site that uses the application had vanished, after Sharman Networks contacted hundreds of ISPs threatening them with legal action under the Digital Millennium Copyright Act if they failed to remove the program from their Web sites.

Despite its name, Kazaa Lite K++ has no connection to the real Kazaa program. Instead it represents just one of the many light packages of the file-sharing applications on the market.

Light versions were set up to allow users to avoid controversial spyware and adware, which are installed on Sharman's Kazaa service and, most importantly, to offer a free alternative.

This latest action could be seen as another attempt by the Australian company to turn its service into a legitimate download program.

Earlier this year it forced Google to take down links to the modified version of Kazaa Lite and in November it announced a campaign with content experts Altnet to persuade file-swappers to buy or download authorized content.

Although the Kazaa Lite package can still be downloaded from certain Web sites it is unlikely to work properly, if at all, according to experts.

Two Students to Fight FTC Pop-Up Ad Policy

Those flashy pop-up ads that annoy millions of Internet users each day are getting a legal test, thanks to a pair of 20-year-old college students who are challenging the government's effort to regulate the advertisements.

The Federal Trade Commission accuses the students' small California company of committing "high-tech extortion" by using a feature inside popular Windows software to generate pop-up ads as frequently as every 10 minutes. Ironically - and a key factor in the government's case - the students' pop-ups tout software designed to block such ads.

The company, D-Squared Solutions LLC of San Diego, has countered that the government's allegations go too far and that its ads are "no more harmful than roadway speedbumps or television commercials."

Federal regulators brought the enforcement lawsuit in hopes it would quickly dampen one of the most irritating practices of Internet advertisers. Instead, the company's founders have mounted a spirited defense over whether such pop-ads are protected free speech.

"It's very unusual for a company to aggressively fight an FTC enforcement

action," said Mark Rasch, an expert on technology law. Most companies in high-profile FTC lawsuits quickly settle, typically paying a fine and pledging to stop the disputed business practice.

Rasch said the FTC's legal arguments and the company's business practices were "right on the margins," ripe for challenge in an important dispute that could have broad effects on the future of Internet advertising.

The FTC last month accused D-Squared of unlawfully exploiting "Messenger" network technology built into most new versions of Microsoft's Windows operating system to display the unwanted advertisements. Unlike Web-based pop-up ads, such messages can appear even when a computer user isn't surfing the Web.

The D-Squared messages advertised the company's software that can block such ads.

The company contends that it wasn't illegal to transmit its ads, that the ads weren't damaging and that its software genuinely blocks such ads. It noted that the Messenger technology is now widely considered a serious security threat for home computer users and said its ads helped warn consumers their computers were at risk.

"While it may be annoying, if you get a pop-up on your screen it may cause you to address this problem," said Anthony J. Dain, one of D-Squared's lawyers. He described intrusive advertisements as "annoyances you have to deal with in a free society."

The FTC, however, compared D-Squared to vandals throwing bricks through windows to sell home-security systems. It said the company's founders "desperately try to recast themselves as innocent public servants who merely hope to warn consumers about a security flaw."

D-Squared's owners, Anish Dhingra and Jeffrey Davis, are students at the University of California in San Diego. Both were expected to testify in federal court next week and urge a judge to lift an order barring D-Squared from delivering more pop-up ads.

Their lawyer says the students are unlikely players in a court drama.

"They've never been in any kind of trouble before. They're good kids, nice individuals," Dain said. "Obviously they're scared, anxious, nervous, but they're also angry. They don't think they've done anything wrong."

Citing complaints from consumers, the FTC said that the ads disrupted some home computers and that most people don't know how to turn off the ads. FTC consumer protection chief Howard Beales called the company's practices "high-tech extortion."

D-Squared's lawyers complained to the judge that such talk was "inappropriate and prejudicial."

D-Squared's lawyers said consumers can find detailed turn-off instructions so easily on the Internet that it was "inexcusable for the FTC to plant these shills before the court and instruct them to feign helplessness."

The affected Messenger service - unrelated to Microsoft's own instant-messaging software that uses the same name - permits network administrators to display messages on a user's computer screen, such as a warning that a company's Internet connection is having problems.

Earlier this year, Microsoft warned customers about a security vulnerability in its Messenger technology that could allow hackers to seize control of a computer. It urged consumers to download and install a free repair patch from its Web site, and to consider disabling the Messenger service if they don't need it.

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